

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES C. PACENZA, SR.

Plaintiff,

NOTICE OF APPEAL *E685400*

04 CIV 5831 (PGG)

"ECF Case"

-against-

IBM CORPORATION,

Defendant.

Notice is hereby given that James C. Pacenza, Sr., plaintiff in the above-named case,
hereby appeals to the United States Court of Appeals for the Second Circuit from the final
judgment entered in this action on the 3rd day of April, 2009.

Dated: Stony Point, New York
April 27, 2009


MICHAEL D. DIEDERICH, JR.

Attorney for Plaintiff

361 Route 210

Stony Point, NY 10980

(845) 942-0795 Mike@DiederichLaw.com

TO: Kevin G. Lauri, Esq.
JACKSON LEWIS LLP
59 Maiden Lane
New York, NY 10038-4502
212-545-4047

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

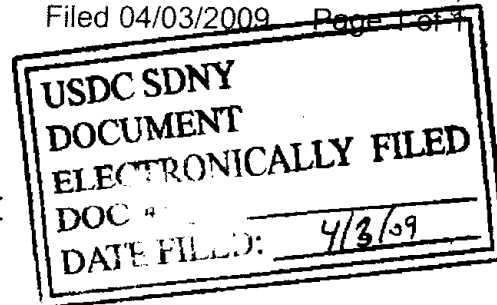
-----X
JAMES C. PACENZA, SR.,

Plaintiff,

-against-

IBM CORPORATION,

Defendant.
-----X



04 CIVIL 5831 (PGG)

JUDGMENT

Defendant having moved for summary judgment; plaintiff having cross-moved for partial summary judgment, and the matter having come before the Honorable Paul G. Gardephe, United States District Judge, and the Court, on April 1, 2009, having rendered its Memorandum and Order granting IBM's motion for summary judgment, and denying Pacenza's cross-motion for summary judgment, and dismissing the complaint, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum and Order dated April 1, 2009, IBM's motion for summary judgment is granted, and Pacenza's cross-motion for summary judgment is denied; accordingly, the case is closed.

Dated: New York, New York
April 3, 2009

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**

DECLARATION OF SERVICE

MICHAEL D. DIEDERICH, JR. declares under penalty of perjury as follows:

That on this date I mailed via U.S. Mail a copy of the within Notice of Appeal and Second Circuit "Form C", postage prepaid, addressed as follows:

Kevin G. Lauri, Esq.
JACKSON LEWIS LLP
59 Maiden Lane
New York, NY 10038-4502

Declared under penalty of perjury this 27th day of April 2009.


MICHAEL D. DIEDERICH, JR.